

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

Application 23673 Permit 16304 License

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, ADDING
ENDANGERED OR THREATENED SPECIES TERM, AND AMENDING THE
PERMIT**

WHEREAS:

Permit 16304 was issued to Joseph A. Morehead on October 12, 1971.

1. A petition for an Extension of Time in which to develop the project and apply the water to the proposed use was been filed with the State Water Resources Control Board on May 11, 1995.
2. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
3. Fish or wildlife species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.
4. The permittee has moved the point of diversion to permittee's property.

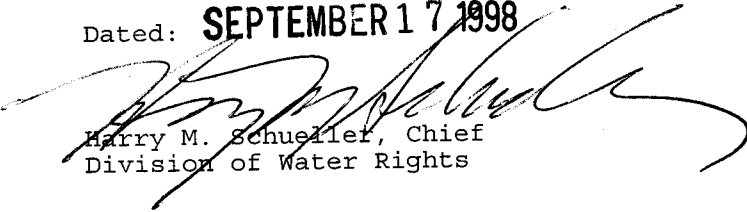
NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

Complete application of the water to the proposed use shall be made by December 31, 2008. (0000009)
2. The addition of Paragraph 14 to read as:

This permit does not authorize any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). The permittee should seek guidance from the Endangered Species Act agency on whether an incidental take permit is advisable for this activity and pursue obtaining such a permit as appropriate. (0000014)
3. Delete Paragraph 12.

Dated: **SEPTEMBER 17 1998**


Harry M. Schueller, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23673

PERMIT 16304

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT

WHEREAS:

1. Permit 16304 was issued to Joseph A. Morehead and Brenda Morehead on October 12, 1971.
2. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1989

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1990

2. Paragraph 11 of this permit is deleted. A new paragraph 11 is added as follows:

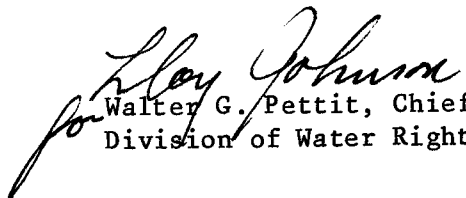
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water

measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

Dated: **FEBRUARY 17 1988**


Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23673

PERMIT 16304

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, CHANGE IN
POINT OF DIVERSION, AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use and a petition to change point of diversion have been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time and for the said change.
3. The Board has determined that the petitioned change does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 1, 1985

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1986

2. The point of diversion under this permit shall be as follows:

South 4,350 feet and West 1,450 feet from NE corner Section 13,
T15N, R1E, MDB&M, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 13.

3. Paragraph 11 of this permit is deleted. A new Paragraph 11 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

4. Paragraph 14 is added to this permit as follows:

Use of the point of diversion on Poodle Creek authorized by this Change Order is contingent upon a sufficient supply of water in Poodle Creek to satisfy prior rights. A sufficient supply is currently available only at times that an unrestricted flow of water is maintained from the East Borrow Pit of Sutter Bypass into Poodle Creek through the old State Pumping Plant #3 facilities.

Dated: SEPTEMBER 17 1984



Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23673

PERMIT 16304

LICENSE _____

ORDER APPROVING A CHANGE IN PERMIT TERMS

WHEREAS:

1. Decision 1594 was adopted by the State Water Resources Control Board on November 17, 1983.
2. Order WR 84-2 Amending Decision 1594 was adopted by the State Water Resources Control Board on February 1, 1984.
3. The Decision and the Order set forth changes to be made in permits containing Standard Water Right Permit Term 80.

NOW, THEREFORE, IT IS ORDERED:

1. Standard Water Right Permit Term 91 is added to the permit as follows:

"No diversion is authorized by this permit when satisfaction of inbasin entitlements requires release of supplemental Project water by the Central Valley Project or the State Water Project.

- a. Inbasin entitlements are defined as rights to divert water from streams tributary to the Sacramento-San Joaquin Delta or the Delta for use within the respective basins of origin of the Legal Delta, unavoidable natural requirements for riparian habitat and conveyance losses, and flows required by the Board for maintenance of water quality and fish and wildlife. Export diversions and Project carriage water are specifically excluded from the definition of inbasin entitlements.
- b. Supplemental Project water is defined as water imported to the basin by the Projects, and water released from Project storage, which is in excess of export diversions, Project carriage water, and Project inbasin deliveries.

"The Board shall notify the permittee of curtailment of diversion under this term after it finds that supplemental Project water has been released or will be released. The Board will advise the permittee of the probability of imminent curtailment of diversion as far in advance as practicable based on anticipated requirements for supplemental Project water provided by the Project operators."

Dated: JUNE 29 1984



Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT No. 16304

Application 23673 of JOSEPH A. MOREHEAD AND BRENDA MOREHEAD
10373 SOUTH BUTTE ROAD, SUTTER, CALIFORNIA 95982

filed on JANUARY 15, 1971, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

EAST BORROW PIT SUTTER BY-PASS

SACRAMENTO RIVER

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
NORTH 52° 21' WEST 6,443 FEET FROM CENTER OF SECTION 24, T15N, R1E, MDB&M	SW ¼ of SE ¼	14	15N	1E	MD
	¼ of ¼				
	¼ of ¼				
	¼ of ¼				
	¼ of ¼				
	¼ of ¼				

County of SUTTER

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
IRRIGATION	NE1/4 OF SW1/4	13	15N	1E	MD	9.5
	NW1/4 OF SE1/4	13	15N	1E	MD	39.34
					TOTAL	48.84

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used, and shall not exceed 2.0 CUBIC FEET PER SECOND TO BE DIVERTED FROM APRIL 1 TO JUNE 30 AND SEPTEMBER 1 TO OCTOBER 31 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTED UNDER THIS PERMIT SHALL NOT EXCEED 600 ACRE-Feet PER YEAR. (0000005)

THE EQUIVALENT OF THE CONTINUOUS FLOW ALLOWANCE BY DIRECT DIVERSION FOR ANY 30-DAY PERIOD MAY BE DIVERTED IN A SHORTER TIME IF THERE BE NO INTERFERENCE WITH VESTED RIGHTS. (0000027)

6. THE MAXIMUM QUANTITY HEREIN STATED MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS. (0000006)

7. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1975. (0000009)

8. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED. (0000010)

9. ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT, INCLUDING METHOD OF DIVERSION, METHOD OF USE AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER. (0000012)

10. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD, REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT. (0000011)

11. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES. (0000013)

12. THIS PERMIT SHALL NOT BE CONSTRUED AS CONFERRING UPON THE PERMITTEE RIGHT OF ACCESS TO THE POINT OF DIVERSION. (0000022)

13 THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION OVER THIS PERMIT FOR THE PURPOSE OF CONFORMING THE SEASON OF DIVERSION TO LATER FINDINGS OF THE BOARD ON PRIOR APPLICATIONS INVOLVING WATER IN THE SACRAMENTO RIVER BASIN AND DELTA. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING. (0000080)

(ADDED 0000091)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: OCT 12 1971

STATE WATER RESOURCES CONTROL BOARD

K. L. Woodward
Chief, Division of Water Rights